

DETAILED ACTION

1. This communication is in response to Applicant's Request for Continued Examination (RCE) and reconsideration filed on May 28, 2008. Claims 1-7 and 9-20 are pending in this application.

Response to Applicant's Amendment

2. Applicants' arguments filed on May 28, 2008 have been fully considered, and discussed in the next section below or within the following rejections under 35 U.S.C. § 103 are not deemed to be persuasive. Applicants' request for allowance is respectfully denied.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

3. Claims 1-7 and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Early et al. US Patent Publication No. 2003/0004868 A1 (hereinafter "Early") in view of Lilly et al. US Pat. Pub. No. 2002/0156723 A1.

Claims 1-7 and 9-20 are rejected over Early as discussed in the previous office action mailed on February 25, 2008. Further:

Early teaches that the aggressive and conservative models perform a historical analysis of credit demand of entities that are represented in a business information database and have a profile substantially similar to said entity.

Early fails to teach that entities are other than said entity that are represented in a business information database and have a profile substantially similar to said entity.

Lilly teaches the step of determining whether a customer has a higher credit risk than *other profiled customers* (Para [0059]).

It would have been obvious to one of ordinary skilled in the art at the time the Applicant's invention was made to modify the teachings of Early to include that the aggressive and conservative models perform a historical analysis of credit demand of entities other than said entity that are represented in a business information database and have a profile substantially similar to said entity, because it provides

a more comprehensive and efficient system in analyzing and determining the credit worthiness or a level of risk associated with each cardholder.

Response to Arguments

4. Applicant's arguments with respect to claims 1-7 and 9-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691